

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| MILTON CIPLET, Individually and on Behalf | : | Civil Action No. 08-CV-4580 (RMB) |
| of Itself and All Others Similarly Situated, | : | |
| | : | <u>CLASS ACTION</u> |
| Plaintiff, | : | |
| | : | |
| vs. | : | |
| | : | |
| JPMORGAN CHASE & CO. and J.P. | : | |
| MORGAN SECURITIES INC, | : | |
| | : | |
| Defendants. | : | |
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| MARK SCHARFF, PINE SASH DOOR & | : | |
| LUMBER CO., INC., MARK SCHARFF & | : | |
| ASSOCIATES LLC, 2170 MILL AVENUE | : | |
| LLC, 6202-6217 REALTY LLC, MARK | : | Civil Action No. 08-CV-5026 (RMB) |
| SCHARFF ITF MICHAEL SCHARFF, | : | |
| MARK SCHARFF ITF DANIEL SCHARFF | : | <u>CLASS ACTION</u> |
| And MARK SCHARFF ITF ARIEL | : | |
| SCHARFF, Individually and On Behalf of All | : | |
| Others Similarly Situated, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| vs. | : | |
| | : | |
| JPMORGAN CHASE BANK & CO., J.P. | : | |
| MORGAN SECURITIES, INC. and CHASE | : | |
| INVESTMENT SERVICES CORP., | : | |
| | : | |
| Defendants. | : | |
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**MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF MILTON CIPLET,
MARK SCHARFF, PINE SASH DOOR & LUMBER CO., INC., MARK SCHARFF &
ASSOCIATES LLC, 2170 MILL AVENUE LLC, 6202-6217 REALTY LLC, MARK
SCHARFF ITF MICHAEL SCHARFF, MARK SCHARFF ITF DANIEL SCHARFF AND
MARK SCHARFF ITF ARIEL SCHARFF FOR APPOINTMENT OF LEAD
PLAINTIFF, APPROVAL OF SELECTION OF LEAD COUNSEL**

Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff (collectively, “Movants” or “ARS Investors Group”) by their counsel, hereby respectfully moves this Court for: (a) appointment as Lead Plaintiffs in the above-captioned actions; and (b) approval of their selection of the Law Offices of Curtis V. Trinko, LLP and the Law Office of Marc E. Scollar as the Co-Lead Counsel for the Class.

In support of this Motion, the Movants submit herewith a Memorandum of Law, the Declaration of Curtis V. Trinko, and the Declaration of Marc E. Scollar, and a Proposed Order.

DATED: August 4, 2008

Respectfully submitted,

LAW OFFICES OF CURTIS V. TRINKO, LLP
CURTIS V. TRINKO

/s/ Curtis V. Trinko

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[Proposed] Lead Counsel for Plaintiffs

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[Proposed] Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Wai K. Chan, certify that on August 4, 2008, I caused the following documents to be served electronically on the attached service list:

- 1 - The Notice of Motion of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel;
- 2 - Memorandum of Law In Support Of The Motion Of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel;
- 3 - The Declaration of Curtis V. Trinko In Support Of The Motion Of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel;
- 4 - The Declaration of Mark Scollar In Support Of The Motion Of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel; and
- 5 - [Proposed] Order Appointing Lead Plaintiff and Lead Counsel.

Dated: August 4, 2008
New York, New York

/s/Wai K. Chan
Wai K. Chan

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